

MINUTES OF NOVEMBER 17, 2014

The regular meeting of the Sussex County Board of Adjustment was held on Monday, November 17, 2014, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Dale Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with James Sharp – Assistant County Attorney, and staff members, Mr. Lawrence Lank – Director of Planning and Zoning, and Ms. Kelly Passwaters – Zoning Inspector, II.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Minutes and Findings of Fact for September 22, 2014 as circulated. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

Case No. 11486 – James C. Parks and Donna R. Parks – southwest of Route One (Coastal Highway) approximately 800 feet southeast of Dartmouth Drive (911 Address: None Available) (Tax Map I.D. 3-34-6.00-495.00 & 497.05)

An application for a special use exception to place an off-premise sign and for variances from the maximum square footage, height requirement and side yard setback requirement.

Mr. Lank presented the case and stated that the Office of Planning and Zoning received two (2) letters in support of the Application and received no correspondence in opposition to the Application.

James Parks was sworn in to testify about the Application. David Hutt, Esquire, presented the case to the Board on behalf of the Applicants and submitted exhibits for the Board to review.

Mr. Hutt stated that the Applicants are requesting a special use exception for an off-premise sign, a variance of twenty (20) feet from the fifty (50) feet side yard setback requirement for a proposed off-premise sign, a variance of ten (10) feet from the maximum height requirement of twenty-five (25) feet for an off-premise sign, and a variance of 276 square-feet from the maximum 300-square-feet allowed per side requirement for an off-premise sign; that the Property is currently under contract for sale; that the Application is to relocate an existing, non-conforming billboard; that Jimmy Lynn's Seafood operates on the Property; that the Property is located along Route 1 and is zoned commercial; that B&B Music and the Tenley Court shopping center are located nearby; that the Property consists of two (2) parcels which will be combined into one (1) lot if the

Application is approved; that the Property is oddly shaped; that lands immediately to the north of the Property are owned by the State of Delaware for a stormwater drainage facility for Route 1; that the Delaware Department of Transportation ("DelDOT") has easements over the Property for pipes to convey water from Route 1 to the drainage facility; that the existing billboard is two-sided and is located on the north side of the Property in a low-lying area; that the existing billboard obstructs the view of Jimmy Lynn's Seafood and B&B Music; that a wooden area separates the Property from the stormwater management facility and from the Summerlyn community; that the proposed billboard will not be within 300 feet of any schools, churches, residential buildings or existing billboards; that the existing billboard is within 300 feet of residential buildings so the new billboard will eliminate that non-conformity; that the side yard setback variance would not be required once the Property is sold and the parcels are combined; that the existing billboard is very close to the side property line on the north side of the Property so that non-conformity will be eliminated as well; that the proposed sign will be 576 square-feet on each side; that the proposed sign is a standard sized sign; that the proposed billboard will be 35 feet tall; that the proposed billboard will be a steel monopole structure; that the existing billboard is a wooden structure; that the existing billboard would be relocated from Parcel 497.05 to Parcel 495; that the billboard would then be raised so as not to obstruct the views of Jimmy Lynn's Seafood and B&B Music; that the height variance would eliminate obstructions of neighboring and existing businesses; that Jimmy Lynn's Seafood has a peak roof height of 41 feet and B&B Music has a peak roof height of 42.4 feet; that B&B Music sits within the 60 feet front yard setback requirement and the building predates the sixty (60) feet front yard setback requirement; that three (3) variances are needed in order to relocate the billboard; that the owner of B&B Music supports the Application because his business will be more visible with the proposed billboard; that the existing billboard is 16 feet by 32 feet and the proposed billboard will measure 12 feet by 48 feet; that the Applicant is minimizing the height variance by using a shorter, but wider, sign; that the proposed billboard will not substantially adversely affect the neighboring and adjacent properties; that the proposed billboard is less obstructive than the existing billboard; that placement of a billboard along Route 1 is consistent with the character of properties along Route 1; that there are similar billboards in the area along Route 1; that neighboring property owners support the Application; that the Property is unique due to its odd shape and the existence of the non-conforming billboard; that the Property cannot be otherwise developed in strict conformity with the Sussex County Zoning Code; that the variances are necessary to enable reasonable use of the Property; that the Application is similar to the relocation of a sign recently approved by the Board for Creative Concepts; that the difficulty was not created by the Applicants; that the shape of the Property was created by DelDOT; that the billboard will not alter the essential character of the neighborhood; that the Applicant did not place the B&B Music building within the front yard setback area; that there is a wooded buffer between the Property from residential properties; that commercial neighbors support the Application; that the billboard is the same size or smaller than eleven (11) other signs along Route 1; that the billboard will enhance the uses of neighboring properties; and that patrons of Jimmy Lynn's Seafood often complain about missing the restaurant because they cannot see it until it is too late.

Mr. Parks affirmed the statements made by Mr. Hutt as being true and correct.

Mr. Hutt stated that the Applicant would suffer an economic disadvantage if required to comply with the zoning requirements; that the existing sign is larger than is allowed; that there will not be a problem leasing out the billboard; and that the proposed billboard is 64 square-feet per side larger than the existing billboard.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Special Use Exception/Variance Application No. 11486 for the requested special use exception and the requested variances for the following reasons:

1. The existing sign is being relocated;
2. Neighbors support the Application;
3. The use does not substantially adversely affect the uses of the neighboring and adjacent properties;
4. The Property is unique because the existing billboard is already oversized;
5. The Property cannot otherwise be developed in strict conformity with the Zoning Code;
6. The variances are necessary to enable continued reasonable use of the Property;
7. The hardship was not created by the Applicants;
8. The proposed billboard improves views of neighboring properties;
9. The variances will not alter the essential character of the neighborhood;
10. The use is not detrimental to the public welfare; and
11. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception and the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Rickard – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11487 – Nanticoke Crossing Limited Partnership – west of John J. Williams Highway (Route 24) and 492 feet north of Indian Mission Road (Route 5) (a.k.a. Route 23) (911 Address: 24832 John J. Williams Highway, Millsboro, DE) (Tax Map I.D. 2-34-23.00-269.12)

An application for a special use exception to place a telecommunications tower and a variance from the minimum separation from a residentially zoned lot.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

W. Jeffery Nagorny, John Herriott, Scott Van Rein, and Paul Dugan were sworn in to testify about the Application. Christopher Schubert, Esquire, and Jonathan Jordan, Esquire,

presented the case to the Board on behalf of the Applicant and submitted exhibits for the Board to review.

Mr. Schubert stated that the Applicant is requesting a special use exception to place a telecommunications tower and a variance of 354.33 feet from the 500 feet minimum separation requirement from a residentially zoned lot; that the Property is currently used as a shopping center; that the proposed steel monopole tower will be 150 feet in height with a six (6) feet lightning rod; that the tower will be placed to the rear of the shopping center; that Verizon Wireless will be using the tower to cover a gap in coverage; that the tower will have space available for collocation; that the lightning rod will be grounded so that the energy from a lightning strike will be safely dissipated; that the Property is surrounded by trees and wetlands which limit the options for placement of the tower; that there a dense woods is located to the west of the site; that the tower will be located as far away as possible from an actively used residential lot; that the Property is commercially zoned but is located within 500 feet of properties which can be used for residential purposes; that the Applicant considered six (6) other sites within two (2) miles of the site for collocation but those sites were not suitable for collocation; that one of the nearby structures could not structurally support the Applicant's systems; that another nearby structure already houses Verizon equipment; that a nearby American Tower site to the north and a Tidewater Utilities water tank to the south were too far away to alleviate Verizon's coverage gap; that the Applicant looked at a small lattice tower to the east on property owned by the Indian River Fire Company but the tower was not structurally sufficient to handle Verizon's equipment; that a tower owned by Sussex County was located too far to the west to alleviate this coverage gap; that the tower will be designed to provide space for at least three (3) other collocators; that the tower will not be close to traffic or existing residential areas; that Verizon Wireless is licensed by the Federal Communications Commission ("FCC"); that the tower will meet all FCC regulations; that the Applicant needs the tower to fill its coverage gap; that the tower will be servicing the Millsboro area; that the tower will operate a level 100 times below the acceptable FCC level for radio frequency emissions; that the tower will have lights every 50 feet; that the Federal Aviation Administration ("FAA") does not require lighting on a tower at this height; that there is no concern with the effect of the tower on air traffic navigation; that the facility will be automated so there will be no office space on site; that the tower will be monitored from a central location; that the tower will be maintained through periodic visits by service technicians; that the tower site will have a six (6) feet high fence surrounding it; that there will be an equipment shelter with an eight (8) feet tall border fence surrounding it; that the Property is roughly six (6) acres in size; that the tower site will comply with all required setback requirements, and environmental and health requirements; that the tower will placed in the existing parking lot; that the use will not substantially adversely affect the uses of neighboring and adjacent properties; that there is no adverse visual impact from the tower on nearby properties; that there is no adverse impact on water, sewer, schools, natural resources, or traffic; that there is no hazard posed to health, safety, or welfare from the proposed use; that the tower will provide for enhanced communication services for Verizon users; that the Applicant looked to build the tower in the nearby wooded area but the area consists of wetlands and cannot be developed thereby limiting placement to the existing shopping center; that the location of the

wetlands makes this unique; that the Applicant is constrained in placement of a tower due to the physics of radio wave propagation; that the Property cannot be developed for a telecommunications tower without a variance due to the limited area where the tower can be placed; that the difficulty was not created by the Applicant; that the use will not alter the essential character of the neighborhood; that there are significant wooded areas on three (3) sides of the Property; that the tower will be located away from existing residential properties; that the Property is used commercially and has a great deal of traffic; and that the variance represents the least modification possible of the regulation at issue.

Mr. Van Rein, representing the developer, confirmed the statements made by Mr. Schubert as being true and correct.

Mr. Herriott, a site engineer, confirmed the statements made by Mr. Schubert as being true and correct.

Mr. Dugan, a radio frequency engineer, confirmed the statements made by Mr. Schubert as being true and correct.

Mr. Nagorny, a civil engineer, confirmed the statements made by Mr. Schubert as being true and correct.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickards stated that he would move that the Board recommend approval of Special Use Exception / Variance Application No. 11487 for the requested special use exception because the use does not substantially adversely affect the uses of the neighboring and adjacent properties and the Applicant has demonstrated that it meets the technical requirements for a telecommunications tower. As part of his motion, Mr. Rickards moved to approve the requested variance for the following reasons:

1. The size and shape of the Property make it unique;
2. The variance is necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception and variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11488 – Michelle L. Lynas – south of Route 54 (Lighthouse Road) and being at the southwest corner of Tyler Avenue and Lincoln Avenue and being Lot 51 Block 5 in Cape Windsor Subdivision (911 Address: 38827 Lincoln Drive, Selbyville, DE) (Tax Map I.D. 5-33-20.14-32.00)

An application for variances from the corner front yard and side yard setback requirements.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Irma Curtis Cohee was sworn in to testify about the Application. Raymond Tomasetti, Esquire, presented the case to the Board and submitted exhibits for the Board to review.

Mr. Tomasetti stated that the Applicant is requesting a variance of 11.9 feet from the fifteen (15) feet corner side yard setback requirement for an existing dwelling, a variance of 13.6 feet from the fifteen (15) feet corner side yard setback requirement for an existing ramp, a variance of 4.7 feet from the ten (10) feet side yard setback requirement for an existing dwelling, a variance of 8.2 feet from the ten (10) feet side yard setback requirement for an existing outside shower and steps, and a variance of 8 feet from the fifteen (15) feet corner side yard setback requirement for an existing shed; that Ms. Cohee is a long-time resident in Cape Windsor and is the realtor in the sale of the Property; that the previous owners who constructed the dwelling are deceased and the Property was recently sold by their children to the Applicant; that the buyer was unable to attend the hearing; that a previous variance was granted in 2003; that the dwelling is located 23.8 feet from Tyler Avenue; that the Property is irregularly shaped making it unique; that a home could not be constructed on the Property without a variance; that Lincoln Drive has a 50 feet right-of-way but is only 34 feet wide; that the size of the road on Lincoln Drive may have caused the mistake in the placement of the structures because it gives the impression that the Property is larger than it actually is; that all improvements have existed on the Property since 2004; that the variances will not alter the character of the neighborhood; that the difficulty was not created by the Applicant; that the variances are the minimum variances to afford relief; and that all permits were obtained by the previous owner.

Mr. Lank stated that Tyler Avenue is considered the front yard and that the lot was created prior to the creation of the Sussex County Zoning Code.

Ms. Cohee testified that the shed is detached and confirmed the statements made by Mr. Tomasetti as being true and correct.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11488 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique due to its irregular shape;
2. The variances are necessary to enable reasonable use of the Property;
3. The unnecessary hardship was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11489 – Madon Church, LLC – north of Route 54 (Lighthouse Road) and being northwest of Canvasback Road approximately 0.25 mile northeast of Swann Drive and being Lot 81 Block D in Swann Keys Subdivision (911 Address: 37021 Canvasback Road, Selbyville, DE) (Tax Map I.D. 5-33-12.16-342.00)

An application for variances from the side yard setback requirements.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Todd Crkvenac was sworn in to testify about the Application. Timothy Willard, Esquire, presented the case to the Board on behalf of the Applicant and submitted exhibits for the Board to review.

Mr. Willard stated that the Applicant is requesting a variance of two (2) feet from the ten (10) feet side yard setback requirement for a proposed dwelling on both sides of the Property; that the Property is located in Swann Keys; that the Property is small and is unique; that the Property measures 40 feet by 100 feet; that a lagoon is at the rear of the Property; that the development was designed as a mobile home park; that the majority of homes in the development now are stick built dwellings; that the existing manufactured home encroaches into the front and side yard setback areas; that the existing manufactured home will be torn down and replaced with a two (2) story dwelling; that the proposed dwelling will comply with front and rear yard setback requirements; that the proposed dwelling will lessen the degree of non-conformity on the Property; that the size of the lot and the non-conforming manufactured home make the lot unique; that the proposed dwelling encroaches less than the existing manufactured home; that the variances are necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicant; that the variances will not alter the character of the neighborhood; that the proposed dwelling will improve the neighborhood; that there have been several variances granted in the development; and that the variances are the minimum variances to afford relief.

Mr. Crkvenac confirmed the statements made by Mr. Willard as being true and correct.

Mr. Lank advised the Board that the Property is located in a flood zone.

Mr. Crkvenac testified that the proposed dwelling will be approximately 1,400 square-feet; and that the HVAC will comply with the required setback requirements

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11489 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size as it is only 40 feet by 100 feet;
2. The variances are necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Hudson – yea, Mr. Mills – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11490 – Robert D. Mitchell – northeast of Route 78 (Woodland Ferry Road) and being southeast of Dusty Road, a subdivision street, approximately 1,500 feet southeast of Route 20 (Stein Highway) (911 Address: 2952 Dusty Road, Seaford, DE) (Tax Map I.D. 5-31-11.00-36.07)

An application for variances from the front yard, rear yard, and side yard setback requirements.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Mr. Mitchell submitted two (2) letters of support to the Application and exhibits for the Board to review.

Robert Mitchell was sworn in and testified requesting a variance of 13.5 feet from the thirty (30) feet from the required front yard setback requirement for an existing dwelling, a variance of 29.6 feet from the fifty (50) feet rear yard setback requirement for an existing stable, a variance of

41.6 feet from the fifty (50) feet side yard setback requirement for an existing stable, and a variance of 12.3 feet from the thirty (30) feet front yard setback requirement for an existing shed; that he purchased the Property at auction and a survey obtained after the purchase showed the encroachments; that the dwelling is 100 years old; that the Property is part of a three (3) lot subdivision; that the dwelling originally complied with setbacks but encroached into the setbacks when the subdivision was created; that he did not create the subdivision; that the horse stable was built by the previous owner without a building permit; that the horse stable adds value to the Property; that the shed located in the rear of the Property can be moved into compliance; that the shed is portable; that the shed provides a visual buffer from the neighboring properties; that the structures were placed on the Property by a prior owner; that the hardship was not created by the Applicant; that the value of the Property would be impacted if the shed was to be moved; that the variances do not alter the character of the neighborhood; that neighboring properties consist of horse pastures and farmland; that the structures have not created problems with the neighborhood and they have been in their present locations for many years; that the variances are the minimum variances to afford relief; and that the stable is on a permanent foundation and adds value to the Property.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11490 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The age of the dwelling and general circumstance of how the Property was purchased makes the Property unique;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11491 – Russell W. Neal and Marianne Neal – southeast of Ockel Drive (Road 488) approximately 1,100 feet southwest of Route 13 (Sussex Highway) (911 Address: None Available) (Tax Map I.D. 1-32-6.00-227.03)

An application for a special use exception to place a multi-sectional home type structure that is more than five (5) years old.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

LaRhonda Fitzgerald was sworn in and testified requesting a special use exception to place a multi-sectional home type structure that is more than five (5) years old; that the manufactured home is nine (9) years old and in very good condition; that she owns the unit and it is currently at another location; that she maintains the unit and washes it twice a year; that she wishes to live in a more rural setting; that the manufactured home will be on a block foundation; that the Property is currently vacant; that the Property is surrounded by farmland; that the home will look like a stick-built home when it is placed on the foundation; and that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.

Sue Ockels was sworn in and testified in opposition to the Application and testified that she owns property across the road; that the age of the home concerned her; and that, after her review of the pictures, she no longer has any objection to the Application.

The Board found that two (2) parties appeared in support of the Application.

Mr. Mills stated that he would move that the Board recommend approval of Special Use Exception Application No. 11491 for the requested special use exception because the use does not substantially adversely affect the uses of the neighboring and adjacent properties.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the special use exception be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11492 – Calvary Baptist Church – southwest of Route 113 (DuPont Boulevard) and approximately 1,302 feet northwest of Road 431 (Shortly Road) (911 Address: 22860 South DuPont Blvd, Georgetown, DE) (Tax Map I.D. 1-35-23.00-6.00)

An application for a special use exception to place a manufactured home type structure as a classroom.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

J. Frank Perdue and Peter Radford were sworn in and testified requesting a special use exception to place a manufactured home type structure as a classroom.

Mr. Perdue testified that the unit will measure 24 feet by 60 feet; that the unit was previously used by the Woodbridge School District; that the Property is located on Route 113 near First State Chevrolet and across the street from the Probation and Parole Office; that the unit is not visible from the road; that the Applicant plans to demolish an existing structure and build a multi-use structure in the future; that the Applicant requests approval for five (5) years; and that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.

Mr. Radford testified that the unit will be used on Sundays from 10:00 a.m. to 12:00 p.m. and 5:00 p.m. to 6:30 p.m.; and Wednesday 7:00 p.m. to 8:00 p.m.; and that the unit will be used for 25-30 children.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Special Use Exception Application No. 11492 for the requested special use exception because the use does not substantially adversely affect the uses of the neighboring and adjacent properties for a period of five (5) years.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception be **granted for a period of five (5) years for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

OTHER BUSINESS

Case No. 11310 – Zea, LLC – northeast corner of Bunting Avenue and West Virginia Avenue and 450 feet east of Route One (Coastal Highway) and being Lot 1 E in the unincorporated section of Fenwick Island. (Tax Map I.D. 1-34-23.16-329.00)

An application for variances from the side yard, rear yard and corner side yard setback requirements.

Request for a one (1) year time extension.

Mr. Lank read a letter from the Applicant requesting a one (1) year time extension.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the request for a time extension be **granted for a period of one (1) year**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Meeting Adjourned 9:45 p.m.